IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

WP(C).No. 37906 of 2007(K)

PETITIONER:

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1. NALENDRAN, S/O.KUTTAN, NADUCHIRAYIL HOUSE, KUDAVECHOOR P.O., VAIKOM 686 144.

2. K.RAJU, S/O.KESAVAN, KANAVALLY, EDAVATTOM P.O., VAIKOM 686 605.

3. C.RAJENDRAN, S/O.CHANDRASEKHARAN NAIR, NADUPUNCHAYIL, EDAVATTOM P.O., VAIKOM 686 605.

BY ADV. SRI.MATHEW PHILIP EDAPPALLIL

RESPONDENTS:

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1. SUB DIVISIONAL ENGINEER (PHONES) BSNL, KUDAVACHOOR P.O., VAIKOM 686 144.

2. SUB DIVISIONAL ENGINEER (PHONES) BSNL, THALAYOLAPARAMBU P.O., VAIKOM 686 605.

3. SPECIAL DEPUTY TAHSILDAR (RR) K.S.F.E. LTD., M.D.COMMERCIAL CENTRE, KOTTAYAM 686 002.

4. SREEDEVI, W/O.HARIHARAN NAIR, PARANDAYIL HOUSE, PADINJAREKKARA P.O., VAIKOM 686 671.

5. ACCOUNTS OFFICER (P&A), OFFICE OF THE PRINCIPAL GENERAL MANAGER, (PHONES), BSNL, KOTTAYAM 686 001.

BY SRI. P.M.M. NAJEEB KHAN FOR R1, R2 AND R5
SC FOR KSFE SRI. M.L. SAJEEVAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

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W.P.(C)NO.37906 OF 2007

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Dated this the 18th day of December 2007

JUDGMENT

The petitioners are sureties in relation to the 4th respondent who prized a chitty floated by the Kerala Financial Enterprises. Apparently repayment of the prize amount was defaulted. Now Ext.P1 series of notices have been issued by the BSNL seeking attachment of the salary drawn by the petitioners.

2. I have heard the learned counsel for the petitioners, the learned standing counsel for the BSNL and the standing counsel for the KSFE as well.

3. Petitioners' liability as sureties is co-extensive with that of the principal debtor. Therefore the petitioners cannot seek exoneration. But if the KSFE is in a position to recover the amount from the principal debtor, they should explore the possibility of doing so. In the result, the writ petition is disposed of in the following terms:

1) The third respondent shall issue notice to the petitioners and the fourth respondent to appear before him on a specific day in January 2008.

2) On appearance of the parties, the third respondent shall

draw up a proceeding indicating the manner in which repayment will have to be effected.

3) If the KSFE is in a position to realise the amount from the principal debtor, they should explore the possibility of doing so.

4) If they are unable to do so, they are at liberty to proceed against the sureties as well. This shall be indicated in the proceedings which shall be drawn up by the third respondent in the manner aforementioned.

5) The entire process shall be completed within a period of three months from today. In the meanwhile attachment of the petitioners' salary shall be kept in abeyance pending orders by the third respondent in the manner aforementioned.

V.GIRI, JUDGE

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